

**AUCTIONEER BOARD MEETING
MINUTES
APRIL 28, 2009**

PRESENT: Timothy Sweeney, Kathryn Daley, Jay Clarke, Alan Hager and Patrick McNamara

STAFF PRESENT: Yolanda McGowan, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Karen Rude-Evans, Bureau Assistant; Rebecca McAtee, Intern

GUESTS: Barbara Hager; Lyle D. Wanless, Wisconsin Auctioneer Association

CALL TO ORDER

Patrick McNamara, Chair, called the meeting to order at 9:18 a.m. A quorum of 5 members was present.

AGENDA

MOTION: Jay Clarke moved, seconded by Alan Hager, to approve the agenda as written. Motion carried unanimously.

APPROVAL OF MINUTES (JANUARY 28, 2009)

MOTION: Jay Clarke moved, seconded by Timothy Sweeney, to approve the minutes of January 28, 2009 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT
YOLANDA MCGOWAN, BUREAU DIRECTOR**

Bureau Director Yolanda McGowan reviewed the administrative report with the Board. She introduced the new Division Administrator, Gail Sumi. Ms. Sumi gave a brief history of her background. Tom Ryan was also introduced as he will be with the Auctioneer Board effective May 4th. Both Ms. Sumi and Mr. Ryan look forward to working with the Board. Karen Rude-Evans, Bureau Assistant, and Rebecca McAtee, intern, were also introduced to the Board.

The Department of Regulation and Licensing is asking board members to complete a short feedback survey that can be found inside the red folders. The information will be compiled during the first six months of this year. The Department is also developing an electronic annual survey.

The Department is now requesting that board officer elections be held at the end of the year, but changes will not be effective until the first of the year. This will help facilitate global chair training at the beginning of each year.

Hector Colon is the new Executive Assistant at the Department of Regulation and Licensing. He serves as the liaison between the agency, the Governor's office and the legislature. Mr. Colon was unable to attend the board meeting today.

There are several vacancies on this board. Board members are encouraged to have qualified associates apply at the Governor's website in order to be considered for the vacancies.

MOTION TO DESIGNATE HEARINGS AND APPEALS ATTORNEY AS ALJ

MOTION: Jay Clarke moved, seconded by Kathryn Daley, to designate an attorney who is employed by the Division of Hearings and Appeals, Wisconsin Department of Administration, to serve as an Administrative Law Judge to preside over Class 1 license denial hearings and Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 1.08 and § RL 2.10. This designation is in addition to the designation already provided for in Wis. Admin. Code § RL 1.08 and § RL 2.10. Motion carried unanimously.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules

This item was informational only.

PRESENTATION OF PROPOSED STIPULATIONS

CRAIG L OTTO AND TRANS-GROUP LLC 05 AUC 018

DOE attorney Lara Herman asked the Board if there were any questions regarding the proposed stipulation regarding Craig L. Otto and Trans-Group. The Board will deliberate in closed session.

GROWERS PRODUCE AUCTION 06 AUC 005

DOE attorney Lara Herman asked the Board if there were any questions regarding the proposed stipulation regarding Growers Produce Auction. The Board will deliberate in closed session.

LEGISLATION AND ADMINISTRATIVE RULES

Update on LRB 07-2430 Relating to Continuing Education Requirements for Auction Company Representatives

A motion was made at the last board meeting to have the Department move forward with revisions to the statute based upon the amended draft. This is currently in the works.

EDUCATION AND EXAMINATION

Discussion and Action Relating to Continuation Education Guidelines for the Current Biennium

Susan Bird and Nicole Goodman of the Exams and Education Office reviewed the current CE requirement with the Board and asked if there were any additional topics that should be included. In order to change the current requirements for CE, this will require a rules change.

Letter from Lyle Wanless Relating to Continuing Education for Auctioneers

Lyle Wanless, Wisconsin Auction Institute, addressed the Board and outlined courses that he believes cover topics that are important and timely. Mr. Wanless should submit his course information to the Department of Regulation and Licensing for review and possible approval. The proposed courses appear to fall into the approved continuing education topics.

DISCUSSION RELATING TO STATUS OF CONTINUING EDUCATION CREDIT FOR USPAP COURSES FOR AUCTIONEERS

Course providers must submit an application to the Department of Regulation and Licensing to have continuing education courses reviewed and for possible approval. The exception to the application requirement is any course that is being offered by the Appraisal Foundation. Course instructors must be either an auctioneer or an attorney.

MOTION: Jay Clarke moved, seconded by Timothy Sweeney, to recommend to the Department of Regulation and Licensing to revise Chapter RL 128 to accept certified USPAP instructors as instructors for approved continuing education courses and to accept program providers of USPAP courses. Motion carried unanimously.

NOMINATION OF DELEGATE TO ATTEND NALLOA SEMINAR JULY 16, 2009 IN OVERLAND PARK, KS

No Board members were interested in attending this seminar.

PRACTICE ISSUES

None.

PUBLIC COMMENTS

None

CONVENE TO CLOSED SESSION

MOTION: Alan Hager moved, seconded by Timothy Sweeny to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on stipulations, administrative warnings, case closings, and monitoring cases. Roll Call Vote: Kathryn Daley-yes; Timothy Sweeney-yes; Alan Hager-yes; Patrick McNamara-yes; Jay Clarke-yes. Motion carried unanimously.

Open Session recessed at 10:12 a.m.

RECONVENE TO OPEN SESSION

MOTION: Jay Clarke moved, seconded by Alan Hager, to reconvene into Open Session. Motion carried unanimously.

Open Session reconvened at 10:26 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

06 AUC 005

MOTION: Jay Clarke moved, seconded by Kathryn Daley, to close case **06 AUC 005** for prosecutorial discretion (P7). Motion carried unanimously.

06 AUC 012

MOTION: Jay Clarke moved, seconded by Kathryn Daley, to close case **06 AUC 012** for prosecutorial discretion (P1). Motion carried unanimously.

PROPOSED STIPULATIONS

CRAIG L OTTO AND TRANS-GROUP LLC

05 AUC 018

MOTION: Timothy Sweeney moved, seconded by Jay Clarke, to adopt the findings of fact, conclusions of law, final order and decision in the matter concerning Craig L. Otto and Trans-Group, LLC. Alan Hager abstained. Motion carried.

**GROWERS PRODUCE AUCTION
06 AUC 005**

MOTION: Alan Hager moved, seconded by Jay Clarke, to adopt the findings of fact, conclusions of law final order and final decision in the matter concerning Growers Produce Auction. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNINGS

06 AUC 005 P.L.W.

MOTION: Jay Clarke moved, seconded by Timothy Sweeney, to issue an administrative warning to P.I.W. in the matter of case **06 AUC 005**. Motion carried unanimously.

06 AUC 006 T.A.S.

MOTION: Alan Hager moved, seconded by Jay Clarke, to issue an administrative warning to T.A.S. in the matter of case **06 AUC 005**. Motion carried unanimously.

06 AUC 005 C.N.S.

MOTION: Kathryn Daley moved, seconded by Alan Hager, to issue an administrative warning to C.N.S. in the matter of case **06 AUC 005**. Motion carried unanimously.

06 AUC 006 J.D.M.

MOTION: Alan Hager moved, seconded by Kathryn Daley, to issue an administrative warning to J.D.M. in the matter of case **06 AUC 005**. Motion carried unanimously.

ADJOURNMENT

MOTION: Timothy Sweeney moved, seconded by Kathryn Daley, to adjourn. Motion carried unanimously.

The meeting adjourned at 10:35 a.m.